

“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.”.

SA 4001. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEPARTMENT OF DEFENSE SPECTRUM AUDIT.

(a) **AUDIT AND REPORT.**—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) **CONTENTS OF REPORT.**—The Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the geographic area in which a particular band described in paragraph (1) is being used;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) **FORM OF REPORT.**—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 4002. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 10 ____ . CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NORTH ATLANTIC TREATY ORGANIZATION COUNTRIES.

Section 8679 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) **CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NATO COUNTRIES.**—The Secretary of the Navy may construct a naval vessel in a foreign shipyard if—

“(1) the shipyard is located within the boundaries of a member country of the North Atlantic Treaty Organization; and

“(2) the cost of construction of such vessel in such shipyard will be less than the cost of construction of such vessel in a domestic shipyard.”.

SA 4003. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. ____ . REPORTING ON END STRENGTH RATIONALES.

Section 115a(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by inserting “, including an assessment of the most important threats facing the United States by regional command and how personnel end strength level requests address those specific threats” after “in effect at the time”; and

(3) by adding at the end the following new paragraph:

“(2) Not later than May 1 each year, the Secretary shall provide a briefing to Congress including—

“(A) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense;

“(B) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each of the regional combatant commands;

“(C) the primary functions or missions of military and civilian personnel in each regional combatant command; and

“(D) an assessment of any areas in which decreases in active, reserve, or civilian personnel would not result in a decrease in readiness.”.

SA 4004. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CATEGORICAL EXCLUSIONS IN ENVIRONMENTAL REVIEWS.

(a) **DEFINITIONS.**—In this section:

(1) **ENVIRONMENTAL ASSESSMENT.**—The term “environmental assessment” has the mean-

ing given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—The term “environmental impact statement” means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) **PROPOSED ACTION.**—The term “proposed action” means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) proposed to be carried out by the Secretary under this Act.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Defense.

(b) **CATEGORICAL EXCLUSIONS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may, with respect to a proposed action and without further approval, use a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) that has been approved by—

(A)(i) another Federal agency; and
(ii) the Council on Environmental Quality; or

(B) an Act of Congress.

(2) **REQUIREMENTS.**—The Secretary may use a categorical exclusion described in paragraph (1) if the Secretary—

(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

SA 4005. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12 ____ . REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) **FINDING.**—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 63 Stat. 2241)—

(1) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (c)(2) for threats; and

(2) requires the Secretary to submit to Congress an annual report on the contributions of allies to the common defense.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the threats facing the United States—

(A) extend beyond the global war on terror; and

(B) include near-peer threats; and

(2) the President should seek from each country described in subsection (c)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with

the collective defense agreements or treaties to which such country is a party.

(c) **REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**—

(1) **IN GENERAL.**—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) **COUNTRIES DESCRIBED.**—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

(3) **FORM.**—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(4) **AVAILABILITY.**—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 4006. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CLARIFICATION OF EMERGENCY WAR FUNDING FOR PURPOSES OF DETERMINING ELIGIBLE COSTS.

(a) **DEFINITION OF EMERGENCY WAR FUNDING.**—For purposes of determining eligible

costs for emergency war funding, the term “emergency war funding”—

(1) means a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel; and

(2) does not include any operation that provides for—

(A) research and development; or

(B) training, equipment, and sustainment activities for foreign military forces.

(b) **REPORT TO BE INCLUDED IN THE PRESIDENT’S BUDGET SUBMISSION TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall submit to Congress a report on the effect of the clarified definition of emergency war funding under subsection (a) on the process for determining eligible costs for emergency war funding.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) For the subsequent fiscal year, a plan for transferring to the base budget any activities that do not meet such definition.

(B) For each of the subsequent five fiscal years, the anticipated emergency war funding based on such clarified definition.

(c) **POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.**—

(1) **IN GENERAL.**—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

“SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘contingency operation’ has the meaning given that term in section 101 of title 10, United States Code; and

“(2) the term ‘emergency war funding’ has the meaning given that term in section [____] of the National Defense Authorization Act for Fiscal Year 2022.

“(b) POINT OF ORDER.—

“(1) **IN GENERAL.**—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

“(2) **POINT OF ORDER SUSTAINED.**—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be

raised by a Senator as provided in section 313(e).

“(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(e) SUPERMAJORITY WAIVER AND APPEAL.—

“(1) WAIVER.—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) APPEALS.—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

“Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.”.

SA 4007. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking “WYOMING” and inserting “THE STATE OF WYOMING OR UTAH”; and

(2) by striking “Wyoming” and inserting “the State of Wyoming or Utah”.

SA 4008. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to